

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: MERCK & CO., INC. SECURITIES,
DERIVATIVE & “ERISA” LITIGATION

MDL No. 1658 (SRC)

THIS DOCUMENT RELATES TO:

Case No. 2:05-CV-05060-SRC

THE STICHTING PENSIOENFONDS ABP
ACTION

(Document Electronically Filed)

**[PROPOSED] ORDER GRANTING DEFENDANT
DR. EDWARD M. SCOLNICK’S MOTION TO DISMISS STICHTING
PENSIOENFONDS ABP’S SECOND AMENDED COMPLAINT**

THIS MATTER having been opened to the Court by Schulte Roth & Zabel LLP and Lowenstein Sandler PC, counsel for Defendant Dr. Edward M. Scolnick, on Defendant Dr. Edward M. Scolnick’s Motion To Dismiss Stichting Pensioenfond’s Second Amended Complaint (the “Motion”), and the Court having considered the papers filed in support thereof, and in opposition thereto; and the Court having heard and considered the arguments of counsel; and for good cause shown;

IT IS on this ____ day of _____, 201__, hereby

ORDERED, that the Motion shall be, and the same is hereby,

GRANTED; and it is further

ORDERED, that the Second Amended Complaint is hereby

DISMISSED WITH PREJUDICE as to Defendant Dr. Edward M. Scolnick.

HON. STANLEY R. CHESLER, U.S.D.J.